IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7442 OF 2005

Sanjay Narayan Nisal Applicant

versus

The State of Maharashtra Respondent

Mr.Pramod Kathane i/by Kuldeep S. Patil & Deepak Girme for applicant.

S.S.Pednekar, APP for respondent.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 30th November 2005

PC :

1. The application is preferred by the applicant who is accused in a case registered as CR No.189/2005 at Bhosri Police Station on 28th July 2005. The applicant was arrested on 18th August 2005 along with eight other accused. The Police has completed the investigation and charge sheet is filed.

2. After filing of the charge sheet, an application for bail was preferred but the Sessions Court refused the relief despite observing that the case is triable by the

Judicial Magistrate.

3. The case is pertaining to production of fake and bogus refund orders from Income Tax Department and presenting them to a bank and thereby crediting the sum under the refund order in the respective bank accounts. The materials relevant for the purpose of the present application, have been perused and as far as applicant is concerned, his role is that he has assisted the other accused in preparation of the necessary papers and documents. The relevant documents and bank accounts are seized and they are in the custody of the Police.

4. The applicant is an employee of Income Tax Department and permanently posted at Pune. Pune is his permanent residence place and he has no other antecedents. In these circumstances, the applicant deserves to be enlarged on bail.

5. Accordingly, following order :-

(i) The applicant shall be enlarged on bail in connection with C.R.No.189/2005 registered with Bhosri Police Station, Pune, subject to furnishing a personal bond of Rs.25,000/-

(Rs.Twenty five thousand only) with one surety in the like sum;

(ii) The applicant shall attend Bhosri Police Station, Pune twice a week on every Monday and Thursday between 5.00 p.m. to 7.00 p.m. till conclusion of trial;

(iii) The bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

(iv) The applicant shall co-operate with the Trial Court for expeditious disposal of the trial. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

(v) Any observation/s made in this order shall not be constructed as any finding or any expression of opinion on the merits of the case at the time of trial.

(vi) Application is disposed of in above terms.

(S.C.DHARMADHIKARI, J.)